

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 20, 1998

DIVISION ONE

B115894 Los Angeles County, D.C.S.
v.
Rufino S.

Filed order certifying opinion for publication.

B097430 Link (Certified for Publication)
v.
Cater et al.

The order is reversed. Plaintiff is to recover costs on appeal.

Spencer, P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

DIVISION TWO

B106363 People (Not for Publication)
v.
Sergio Hernandez et al.

The Court:

The judgments are affirmed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION TWO (Continued)

B095438 Mohammad Ishaq (Not for Publication)

v.

National Institute of Nutrition, Incorporated

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.

 Zebrowski, J.

B108291 Belvedere Plumbing Company, Inc. (Not for Publication)

v.

Pinner Construction Company, Inc. et al.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.

 Zebrowski, J.

B084112 Dominguez Energy, L.P., et al. (Not for Publication)

v.

Shell Oil Company et al.

With respect to the summary adjudication in favor of Shell, the judgment is affirmed. In all other respects, the judgment is reversed.

Boren, P.J.

We concur: Fukuto, J.

 Nott, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Aranda, J. (Assigned), and
Valorie Gray, Deputy Clerk.

Each of the following:

B112590 Dept. of Children's Services v. Virginia R., et al.
B107962 Dept. of Children's Services v. Martha V., et al.
B105157 People v. Ramirez
B107254 People v. Foster
B117093 Hortencia T. v. S.C.L.A.
B117170 Ceylon R. v. S.C.L.A.
B117099 Carmen Y. v. S.C.L.A.
B096476 Christopher v. Thomas, et al.
B107603 DeLucas v. Ahavat Shalom Temple
B111646 People v. Cramer
B105766 People v. Bragg

Argument waived, cause submitted.

B098852 Parsons
 v.
 International Surplus, et al.

Merits:

Argued by Richard C. Voorhies for appellant and by Jonathan E. Rich for
respondent. Cause submitted.

B099518 Henson
 v.
 Dept. of Transportation, et al.

Merits:

Argued by Lawrence N. Guzin for appellant and by Bruce W. Barr for
respondent. Cause submitted.

DIVISION THREE (Continued)

B104128 People
 v.
 Carrillo

Merits:
Argued by William Capriola for appellant and by David A. Eldridge,
Deputy Attorney General for respondent. Cause submitted.

B107166 People
 v.
 Caird

Merits:
Argued by Robert W. Gehring for appellant and by David A. Eldridge,
Deputy Attorney General for respondent. Cause submitted.

B103872 Bohannon
 v.
 National Basketball Players Association

Merits:
Argued by Stephen F. Rohde for appellant and by Douglas B. Adler and
Albert H. Biagas for respondent. Cause submitted.

Court recessed at 11:25 A.M.

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Aranda, J. (Assigned), and
Valorie Gray, Deputy Clerk.

B109010 People
 v.
 Ruth

Merits:
Paula Montez, Deputy Public Defender appeared for respondent and
waiving oral argument and appellant having waived argument. Cause
submitted.

DIVISION THREE (Continued)

B110378 People
 v.
 David G.

Merits:
Argued by Lisa M. Bassis for appellant and by Stephen M. Kaufman,
Deputy Attorney General for respondent. Cause submitted.

B103060 Lardizabal
 v.
 American Airlines, Inc.

Merits:
Argued by Siegfried C. Ringwald III for appellant and by Maxine Lebowitz
for respondent. Cause submitted.

B108330 Tate
 v.
 McBrien

Merits:
Argued by David A. Niddrie for appellant and by Steven J. Kleifield for
respondent. Cause submitted.

B095968 United Services Automobile Assoc.
 v.
 Macon

Merits:
Argued by Lance Orloff for appellant and by Dennis H. Boothe for
respondent. Cause submitted.

DIVISION THREE (Continued)

B107469 L.A. Recovery 95 Income Fund
v.
Brand/Broadway Partners, Ltd.

Merits:

Argued by Uzzell S. Branson III for appellant and by John P. Schock for respondent. Cause submitted.

B103019 Browne
v.
Board of Education

Merits:

Argued by Melanie E. Lomax for appellant and by Kenneth Scholtz for respondent. Cause submitted.

Court adjourned at 3:50 P.M.

DIVISION FOUR

B116628 Sharp (Not for Publication)
v.
Superior Court, Los Angeles County
(Cole, r.p.i.)

The order to show cause and temporary stay order, having served their purpose, are dissolved. Let a peremptory writ of mandate issue ordering the respondent court to vacate its order of October 24, 1997, which denied petitioner's motion for a 90-day continuance of trial in Los Angeles Superior Court case No. EC018882, entitled Cole v. Sharp, and to make a new and different order granting the motion to continue the trial to a date 90 days from the date of this order. The parties are to bear their own costs.

Baron, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B110351 Gene Gentis et al. (Certified for Publication)

v.
Safeguard Business Systems, Inc. et al.

The judgment is affirmed. Plaintiffs, Gene Gentis et al., are to recover their costs on appeal, jointly and severally, from defendants San Jacinto Holdings, Inc., and Safeguard Business Systems, Inc.

Turner, P.J.

We concur: Armstrong, J.
 Jackson, J. (Assigned)

B109917 People (Not for Publication)

v.
Terrance Leon Sutton

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Jackson, J. (Assigned)

B112790 People (Not for Publication)

v.
Aramis A. Gomez

The order suspending the imposition of sentence as to counts 1, 3, and 4 is reversed. The judgment is modified to provide that sentences of 25 years to life are imposed as to counts 1, 3, and 4 but the execution of sentence as to those counts is stayed pursuant to Penal Code section 654. The order staying the prior prison term enhancement pursuant to Penal Code section 667.5 is reversed. The cause is remanded solely to allow the trial judge to strike or impose the prior prison term enhancement as permitted by Penal Code section 1170.1, subdivision (h). In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

January 20, 1998-Continued

DIVISION FIVE (Continued)

B112746 People (Not for Publication)
v.
Jamie M.

The orders under review are affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B110930 Los Angeles County, D.C.S. (Certified for Partial Publication)
v.
Lisa A.

The venue transfer order is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B110792 Linda Susan Newton (Not for Publication)
v.
Willard W. Shepherd etc., et al.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

January 20, 1998-Continued

DIVISION FIVE (Continued)

B107770 The People (Not for Publication)
v.
Philip Rowland

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B107095 People (Not for Publication)
v.
Eduardo Aceves

Appellant's conviction for receiving stolen property is reversed; the judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B107831 People (Not for Publication)
v.
Pantera Ornelas

The trial court's November 15, 1996 minute order is ordered corrected to reflect a \$500 restitution fine rather than a \$1,000 fine. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

January 20, 1998-Continued

DIVISION FIVE (Continued)

B111226 People (Not for Publication)

V.

Jorge M. Rivera

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Godoy Perez, J.

B111056 Sandra Arlene Willard (Not for Publication)

V.

James F. Willard

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Godoy Perez, J.

B115659 Mary J. (Not for Publication)

V.

Los Angeles County Department of Children and Family Services

In re Ashley J.

The petition for writ of mandate is denied.

Turner, P.J.

We concur: Grignon, J.

Godoy Perez, J.

DIVISION FIVE (Continued)

B102611 Raymond C. Villarreal
 v.
 Elsa E. Villareal et al.

Filed order denying petition for rehearing.

B100904 People
 v.
 Martin Earl Dawson

Filed order denying petition for rehearing.

B108139 People
 v.
 Lorenzo Perez Guerra

Filed order denying petition for rehearing. (Armstrong, J. would grant.)

DIVISION SIX

B110310 People (Certified for Publication)
 v.
 Buena Vista Mines, Inc. et al.

The judgment is reversed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

January 20, 1998-Continued

DIVISION SIX (Continued)

B111870 People (Not for Publication)
v.
Fiorella

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B095490 Ricigliano (Not for Publication)
v.
Horton

The post-judgment order setting the amount of attorney fees awarded to respondents is affirmed.

The parties shall pay their own costs on appeal.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B112454 People (Not for Publication)
v.
Siegrist

The judgment is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

January 20, 1998-Continued

DIVISION SEVEN

B109229 People (Not for Publication)
v.
Polk

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B100283 People (Not for Publication)
v.
Torres, et al.

The judgment against appellant Linares is reversed and the trial court is directed to enter a judgment of acquittal with respect to Linares. The judgments against appellants Coria and Torres are affirmed.

Neal, J.

I concur: Lillie, P.J.
I concur and dissent: Woods, J. (Opinion)